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commendation. Unfortunately, whatever value the book might have for any other purpose is marred by bad translation.

It is easy to underrate the difficulties of translating books on law. In all translation it is difficult to keep one's linguistic balance, and the most careful writer finds himself lured into literal renderings that are quite unidiomatic in English. In law the difficulty is increased by the fact that we have to translate a fixed and technical terminology of one system of law into the fixed and technical terminology of a wholly different one. Most of the terms, even when superficially alike, have wholly different implications.

But difficult or not, it is not too much to say that Mr. Wheless might have produced a better and more intelligible result if he had simply taken more pains. It is quite impossible to instance all the inaccuracies or infelicities of rendering. However, particular attention may be called here to the extraordinary liberties which Mr. Wheless takes with English. The book abounds in words like "impossibilitated," "indemnization," "visinage," "employe" (for "employee")—to cite only a few examples taken at random.

A careful translation of the most important foreign codes is a great desideratum. Perhaps nothing less than a bilingual text would serve any real purpose. The Brazilian code, which embodies more solid masses of Roman law than any other of the modern codes, is certainly among those that should receive a scholarly presentation to the English-speaking world.

Max Radin.

FREEDOM OF SPEECH. By Zechariah Chafee, Jr., Harcourt, Brace and Howe, New York City, New York, 1920. pp. vii, 431.

"To suffer the civil magistrate to intrude his powers into the field of opinion, and to restrain the profession or propagation of principles on supposition of their ill tendency, is a dangerous fallacy, which at once destroys all religious liberty, because he being of course judge of that tendency, will make his opinions the rule of judgment and approve or condemn the sentiments of others only as they shall square with or differ from his own." (Page 31).

These words of Jefferson, as the author says, hold good of political and speculative freedom. They were practically enforced by Jefferson as president, when he pardoned all the prisoners under the Sedition Act, and Congress eventually repaid the fines. During the war with Germany, however, the principles of freedom of speech and freedom of the press once more succumbed before war hysteria.

"Only those who have administered the Espionage Act can understand the danger of such legislation. When crimes are defined by such generic terms, instead of by specific acts, the jury becomes the sole judge, whether men shall or shall not be punished. Most of the jurymen have sons in the war. They are all under the power of the passions which war engenders. For the first six months after June 15, 1917, I tried war cases before jurymen who were candid, sober, intelligent business men, whom I had known for

thirty years, and who under ordinary circumstances would have had the highest respect for my declarations of law, but during that period they looked back into my eyes with the savagery of wild animals, saying by their manner, 'Away with this twiddling, let us get at him.' Men believed during that period that the only verdict in a war case, which could show loyalty, was a verdict of guilty." (Statement of Judge Amidon, pages 76-77.)

A few judges like Judge Amidon and Judge Learned Hand (the book is dedicated to the latter), tried to preserve constitutional rights and to observe the established rules of law, but with other judges, nothing was allowed to stand in the way of a conviction. A defendant was convicted for stating that Germany had made no promise to end submarine warfare, but had reserved in the Sussex note complete liberty of decision as to the future (page 60). Defendants were convicted for stating that if the Allies did not win, J. P. Morgan's loans to the Allies would be repudiated (page 102). One judge actually charged that freedom of speech means the protection of "criticism which is made friendly to the government, friendly to the war, friendly to the policies of the government" (page 87). The war madness may possibly excuse the departure from the principles for which the United States was established, but what justification can be offered for the Espionage Act which continues war restrictions when the war practically terminated two years and a half ago, and under which, had it been in force at the time of the Mexican war, Lincoln, Lowell and other great Americans could have been sent to prison for twenty years (page 116)? And what excuse is there for the state statutes which so seriously increased discontent (page 113)? Space does not permit a review of other manifestations of tyranny—the arbitrary deportations, the illegal raids, the disfranchisement of electors, the suppression of private opinion in the public schools. No one who is at all in touch with the prevailing opinion can doubt that the people of this country, and particularly the younger generation, cheerfully subscribe to the doctrine that the majority is always right and that the minority, if it is small but threatens to become large and dangerous to the existing order, can be crushed out by any means, legal or illegal.

The learned author is a conservative. He does not make free speech a policy to follow though the heavens fall. In the face of present and immediate violence, he would require the temporary sacrifice of an undoubted right such as the right to parade along the streets. He would not protect unnecessary and extreme assertions of the right to free speech where violence is almost certain and where no public interest is subserved, as in the case of an insult to the American flag. In short, he holds that there should be a balancing of various interests and among those interests, the free expression of unpopular theories—as an immediate policy to prevent explosion, and as a permanent policy for the furtherance of truth.

For the advocacy of these moderate views, the principles of Americanism for which we understood our government was founded, the author has been violently attacked. It is to be hoped that before it is too late the American people will realize the danger that will result from substituting force for argument and the ballot, in determining governmental policies (pages 369-372).

Gratitude is due to the author for his careful collection of material on the struggle for liberty. It is suggested that the book be used as a text in our schools.

A. M. Kidd.

THE LAW AND PRACTICE IN BANKRUPTCY. By Wm. Miller Collier, 12th edition by Frank B. Gilbert and Fred E. Rosbrook, Matthew Bender & Company, Albany, New York, 1921. 2 vols., pp. cxxxviii, xii, 1729.

The apparent justification for the issuance of the twelfth edition of one of the standard texts on the national bankruptcy act is the fact that some twelve hundred new cases have been decided since the appearance of the previous edition. The question rather naturally arises, however: is not twelve editions in a period of twenty-three years carrying the matter too far? The average would seem to be a record breaker. Other works—those of Greenleaf, Chitty and Williams, for example—have run through a greater number of editions, but over a period of several times twenty-three years. It is to be presumed that from the publisher's standpoint these biennial editions justify themselves. And it is undoubtedly of value to the legal profession to have a text-book kept abreast of the decisions of the courts. But the average lawyer is loath to scrap an expensive book every two years. From this standpoint, would not an occasional cumulative supplement be preferable?

The text of the new Canadian bankruptcy act, operative July 1, 1920, is an additional feature of the present edition. It may also be of interest to note that the author of the original text (the later editions being the work of others) has recently been appointed minister from this country to Chile.

W. W. Ferrier, Jr.

Books Received

BLUE SKY LAWS. By Robert R. Reed and Lester H. Washburn. Clark, Boardman Co. Ltd., New York City, New York, 1921. pp. xxxii, 172, 267a.

HANDBOOK ON THE LAW OF TRUSTS. By George Gleason Bogert, West Publishing Co., St. Paul, Minnesota, 1921. pp. xiii, 675.

LAW OF AUTOMOBILES. By C. P. Berry, 3d ed., Callaghan & Co., Chicago, Illinois, 1921. pp. 1, 1625.

TREATISE ON THE LAW OF NATIONAL AND STATE BANKS. By H. W. Magee, 3d ed., Matthew Bender Company, Albany, New York, 1921. pp. lxxxv, 1138.